

SENATE BILL 3227  
By Burks

AN ACT to amend Tennessee Code Annotated, Section 53-8-111 and Section 68-14-321, relative to the public health, safety and welfare.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-8-111(b), is amended by adding the following language:

Such certificate shall be renewed at least once annually, shall be kept on file, and shall be available for inspection by the superintendent of foods, the commissioner, or other legal agent of the Tennessee department of agriculture.

SECTION 2. Tennessee Code Annotated, Section 68-14-321, is amended by designating the current language as subsection "(a)" and by adding the following, to be designated as subsection "(b)":

(b)

(1) No employer shall require or permit any person to work within a food service establishment, in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, if the person:

(A) Is infected with a communicable disease which may be transmitted by food;

(B) Is a carrier of organisms that cause such a disease;

(C) Is afflicted with a boil;

(D) Has an infected wound; or

(E) Suffers from an acute respiratory infection.

(2) No person shall work within a food service establishment, in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, if the person:

(A) Is infected with a communicable disease which may be transmitted by food;

(B) Is a carrier of organisms that cause such a disease;

(C) Is afflicted with a boil;

(D) Has an infected wound; or

(E) Suffers from an acute respiratory infection.

(c) Prior to the first day of employment within any food service establishment, each employee must procure a health certificate showing that such employee is free from diseases and conditions prohibited pursuant to subsection (b). While such person remains an employee of the food service establishment, such certificate must be renewed at least once every twelve (12) months. The certificate shall be kept on file so as to be available to the commissioner or other legal agent of the Tennessee department of health.

(d) Such certificate shall be signed by a physician licensed to practice in this state. Before signing such certificate, the physician shall make such examination and laboratory tests as in his or her opinion are reasonable and necessary for the proper issuance of the employee's health certificate and such tests as are given shall be set out on the certificate by the physician.

(e) Local boards of health and local health officers are hereby empowered to enforce the provisions of this section.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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